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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,884	11/24/2000	Emden Gansner	1999-0730	4129

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EXAMINER

PANNALA, SATHYANARAYA R

ART UNIT	PAPER NUMBER
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2164

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/22/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/721,884

Applicant(s)

GANSNER ET AL.

Examiner

Sathyanarayan Pannala

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's Amendment filed on 10/12/2006 has been entered with Amended claims 1, 6, 8-14 and newly added claims 15-17. Claims 1-17 are pending in this Office Action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 8 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. In the disclosure, on page 6, line 1, "self-describing data-independent binary format 200." Is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Applicant claimed only "self-describing format" which is an incomplete claim. Further, the cited Fig. 2, element 200 does not describe or show any type of binary data format. It is known in the art that the binary format for data types is a computer dependent.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1,8, 11 and 16-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "preselected" in claims 1 and 8 is a relative term, which renders the claim indefinite. The term "preselected" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. Preselected type of data must be defined before selection.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. § 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-17 are rejected under 35 U.S.C. § 101, because none of the claims are directed to statutory subject matter. Independent claims 1 and 8 merely claiming functional descriptive material, i.e., abstract ideas. Even when a claim that recites a computer that solely calculates a mathematical formula or a computer disk that solely stores a mathematical formula is not directed to the type of statutory subject matter eligible for patent protection. The claims are not producing useful, concrete and

tangible results. See *Diehr*, 450 U.S. at 186 and *Gottschalk v. Benson*, 409 U.S. 63, 71-72 (1972).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-6, 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US Patent 6,473,080) hereinafter Brown, in view of Lakritz (US Patent 6,526,426) hereinafter Lakritz, and in view of Sattar (US Patent 6,154,728 A) hereinafter Sattar.

10. As per independent claims 1, 8, Brown teaches the following:

“a visualization interface” (as per spec., interface is a module) at Fig. 1, col. 6, lines 27-40;

“a plurality of processing tools” at Fig. 1, col. 6, lines 30-34;

“means for accessing a plurality of data files including information about the file” at Fig. 1, col. 5, lines 55-65 and col. 6, line 63 to col. 7, line 2.

Brown does not explicitly teach streaming the data. However, Lakritz teaches “means that enables streaming the data of said files to and through one or more said processing tools, employing said information, to process the data and thereby create data results for updating one or more objects, which one or more objects may be displayed by the visualization interface” at Fig. 6, col. 7, lines 24-47. Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Lakritz’s teachings would have allowed Brown’s method provides a variety of translation resources instantly available to the user (col. 2, lines 34-35).

Brown and Lakritz do not explicitly teach using binary format. However, Sattar teaches the claimed, “converting to a preselected self-describing format that includes each data file” at Fig. 4, col. 9, lines 24-30. Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Sattar’s teachings would have allowed Brown’s method provides for inventory

management and control for the potentially vast number of field replaceable units (FRUs) in a remote communication site. (col. 2, lines 2-4). Further, the method should be automatic, capable of providing such an inventory and database without user intervention, and also capable of providing such an inventory and database upon user demand (col.2, lines 12-14).

11. As per dependent claims 2, 9, Brown teaches “the visualization interface provides linked views of the data results” at Fig. 1, col. 6, lines 37-40, line 46 and col. 7, lines 30-35.

12. As per dependent claims 3, 10, Brown teaches “the visualization interface is capable of presenting a statistical two-dimensional view, a pixel-oriented two-dimensional view, and a dynamic three-dimensional detailed view” at Fig. 1, 12-13, col. 16, lines 59-61 and col. 7, lines 43-47.

13. As per dependent claim 4, “the visualization interface can access the data results as the processing tools are working on the data” at Fig. 1, col. 6, lines 37-40.

14. As per dependent claims 5, 12, Brown teaches “the visualization interface enables selection of a portion of the data results such that data corresponding to the portion selected may be accessed and processed in real-time to create second data results that are displayed on the visualization interface” at Fig. 1, col. 6, lines 8-11.

15. As per dependent claims 6, 13, Brown teaches "the processing tools enables creation of new processing expressions that are compiled and dynamically linked to the processing tools" at Fig. 5, col. 14, lines 46-49.

16. As per dependent claim 11, Brown teaches claimed "the step of converting provided data files having a format different from the preselected self-describing into said preselected self-describing format" at Fig. 1, col. 6, lines 37-40.

17. As per dependent claim 15, Brown does not explicitly teach workflow pipeline. However, Lakritz teaches the claimed, at least some of the processing tools are processing pipelines (Fig. 6, col. 7, lines 24-47). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Lakritz's teachings would have allowed Brown's method provides a variety of translation resources instantly available to the user (col. 2, lines 34-35).

18. As per dependent claim 16-17, Brown and Lakritz do not explicitly teach using binary format. However, Sattar teaches the claimed, "converting to a preselected self-describing format that includes each data file" at Fig. 4, col. 9, lines 24-30. Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Sattar's

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teachings would have allowed Brown's method provides for inventory management and control for the potentially vast number of field replaceable units (FRUs) in a remote communication site. (col. 2, lines 2-4). Further, the method should be automatic, capable of providing such an inventory and database without user intervention, and also capable of providing such an inventory and database upon user demand (col.2, lines 12-14).

19. Claims 7, 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Peters (US Patent 5,715,334) hereinafter Brown, in view of Lakritz (US Patent 6,526,426) hereinafter Lakritz, in view of Sattar (US Patent 6,154,728 A) hereinafter Sattar, and in view of admitted prior art (Hereinafter, APA).

20. As per claims 7, 14, Brown and Lakritz do not explicitly teach accessing the data using direct IO. However, APA teaches accessing data using direct IO (see the instant application on Page 7, Lines 140-141). It would have been obvious to one of those skilled in the art that there would be a faster way to access data directly from devices instead of normal way of accessing data (page 7, lines 141-142).

Response to Arguments

21. Applicant's arguments filed on 10/12/2006 have been fully considered but they are not persuasive and details as follows:

- a) Applicant's arguments stated as "It is respectfully submitted that claim 1 is statutory."

In response to Applicant argument, Examiner respectfully disagrees because claim 1 preamble is visualization system does not make the whole claim as system claim, See MPEP 2106. Even when a claim that recites a computer that solely calculates a mathematical formula or a computer disk that solely stores a mathematical formula is not directed to the type of statutory subject matter eligible for patent protection. For the same reason claim 8 is also rejected under U.S.C. 101 as non-statutory subject matter.

- b) Applicant's arguments stated as "It does not teach what the workflow pipeline element does, or how it does it."

In response to Applicant argument, Examiner respectfully disagrees because Lakritz do teach workflow pipeline, in addition to the citation, Lakritz also teaches at Fig. 7-9, col. 8-10. Lakritz teaches more details than the current invention.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Sathyaharayan Pannala
Primary Examiner

srp
December 18, 2006